



PTO/SB/21 (02-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/944,708
	Filing Date	8/31/2001 RECEIVED
	First Named Inventor	Kelly JUN 21 2004
	Art Unit	3726
	Examiner Name	Jiminez, Marc OFFICE OF PETITIONS
Total Number of Pages in This Submission	Attorney Docket Number	13DV-14047/11716 (21635-0046)

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): Return Acknowledgement Post Card Copy of Appeal Brief (Previously filed) and previously filed fee payment
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Carmen Santa Maria
Signature	<i>Carmen Santa Maria</i>
Date	6/11/2004

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Typed or printed name	Carmen Santa Maria
Signature	<i>Carmen Santa Maria</i>
Date	6/11/2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-03)
Approved through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1660

Complete if Known

Application Number 09/044,708 944708
Filing Date 08/31/2001
First Named Inventor Kelly
Examiner Name Jimenez, Mac
Art Unit 3726
Attorney Docket No. 13DV-14047/117 (18721635-0848)
JUN 21 2004

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 50-1059

Deposit Account Name McNeas Wallace & Nurick

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments
☐ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$ 0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims	Fee from below	Fee Paid
Total Claims	-20 **	= 0	X	= 0
Independent Claims	-3 **	= 0	X	= 0
Multiple Dependent			X	= 0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	2053	65	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	330
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	1330
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 1660)

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Carmen Santa Maria	Registration No. (Attorney/Agent)	33,453
Signature	Carmen Santa Maria	Telephone	717-237-5226
		Date	June 11, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/92 (05-03)
Approved for use through 04/30/2003. OMB 0651-0031
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Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on June 11, 2004.
Date

Carmen Santa Maria

Signature

Carmen Santa Maria

Typed or printed name of person signing Certificate

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Return Acknowledgment Postcard
Fee Transmittal Form
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Petition under 37 CFR 1.137
Appeal Brief
Notice of Appeal

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★ 1353 U.S. POSTAGE PB 222-9642 ★
6700 \$00.250
3332 FROM ZIP CODE 17101 ★

Carmen Santa Maria (97)
McNEES WALLACE & NURICK LLC
100 Pine Street
P. O. Box 1166
Harrisburg, PA 17108-1166

received
10-20-03





Application/Patent No.: 09/944,708

MWN Reference No.: 13DY-14047/11716(21635-0046)

Assist. Commissioner for Patents:

Please acknowledge receipt of the paper(s) enclosed by stamping the date received and returning this card to the undersigned.

☐ New Patent Application ☐ Non-Prov. ☐ Prov. ☐ Design
☐ CIP ☐ Divisional ☐ RCE/CPA ☐ Other ☐
☐ Declaration (Signed/Unsigned) ☐ Power of Attorney

<input type="checkbox"/> Patent Appl'n. Transmittal (Utility/Provisional/Design)	<input checked="" type="checkbox"/> Transmittal Form
<input type="checkbox"/> Pages Specifications	<input type="checkbox"/> Response to Office Action
<input type="checkbox"/> Pages Drawing(s)	<input type="checkbox"/> Response to Missing Parts
<input type="checkbox"/> Application Data Sheet	<input type="checkbox"/> Affidavit/Statement
<input checked="" type="checkbox"/> Fee Transmittal	<input type="checkbox"/> Issue Fee Transmittal
<input type="checkbox"/> Filing Fee (\$)	<input type="checkbox"/> Issue Fee (\$)
<input checked="" type="checkbox"/> <u>Appeal Brief</u> Fee (\$ <u>330</u>)	<input type="checkbox"/> Letter to Off. Draftsperson
<input type="checkbox"/> Other Fee(s) (\$)	<input type="checkbox"/> Assignment
<input type="checkbox"/> IDS & PTO/SB/08	<input type="checkbox"/> Recordation Letter & Fee
<input type="checkbox"/> References (copies)	<input type="checkbox"/> Statement Under 3.73(b)
<input checked="" type="checkbox"/> Certificate of Express/First Class Mailing	<input checked="" type="checkbox"/> <u>Appeal Brief filed in duplicate</u>

Express Mail No.: _____

Date of Mailing: October 9, 2003

Submitted by: Carmen Santa Maria
McNees Wallace & Nurick LLC



PTO/SB/92 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

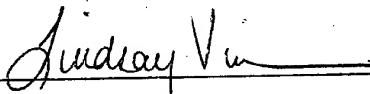
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Certificate of Mailing under 37 CFR 1.8

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on October 9, 2003.
Date



Signature

Lindsay Vican

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Return Acknowledgment Postcard
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Transmittal Form
Appeal Brief (filed in triplicate)

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/21 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031.

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/944,708	
	Filing Date	08/31/2001	
	First Named Inventor	KELLY et al.	
	Art Unit	3726	
	Examiner Name	Marc Jimenez	
Total Number of Pages in This Submission	63	Attorney Docket Number	13DV-14047/11716 (21635-0046)

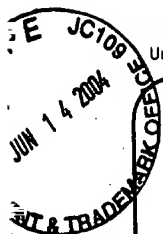
ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Acknowledgment Postcard, Certificate of Mailing, Appeal Brief (filed in triplicate)
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	McNees Wallace & Nurick LLC Carmen Santa Maria
Signature	<i>Carmen Santa Maria</i>
Date	October 9, 2003

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Lindsay Vican	Date	October 9, 2003
Signature	<i>Lindsay Vican</i>		

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If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



FEE TRANSMITTAL for FY 2003

Effective 01/01/2003, Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 330

Complete if Known

Application Number 09/944,708
Filing Date 08/31/2001
First Named Inventor KELLY et al.
Examiner Name Marc Jimenez
Group / Art Unit 3726
Attorney Docket No. 13DV-14047/11716 (21635-0046)

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None
Order

☒ Deposit Account:

Deposit Account Number 50-1059

Deposit Account Name McNeese Wallace & Nurick LLC

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☐ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$) 0

2. EXTRA CLAIM FEES

Total Claims 20 ** = 0 X Fee from below = 0
Independent Claims 3 ** = 0 X Fee from below = 0
Multiple Dependent X Fee from below = 0

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1202	18	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2)

(\$) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
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1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
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1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	330
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$) 330

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Carmen Santa Maria	Registration No. Attorney/Agent	33,453	Telephone	717-237-5226
Signature	Carmen Santa Maria			Date	October 9, 2003

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If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Attorney Docket No. 13DV-14047/11746 (21635-0046)
Application No. 09/944,708



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Kelly et al.

Application No.: 09/944,708

Application Filed: August 31, 2001

:
:
: Group Art Unit: 3726
:
: Examiner: Jiminez, Marc

For: METHOD OF MANUFACTURING A NICKEL-BASE ALLOY WELDING
FILLER METAL

**ADDITIONAL SHEET TO PETITION FOR REVIVAL OF
APPLICATION UNDER 37 CFR 1.1379(b)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

REMARKS

An Appeal Brief for the subject application was timely filed in triplicate on October 9, 2003 along with the Fee for submittal of the Appeal Brief. Copies of these documents are included with this submittal, and no additional fee should be required for the Appeal Brief.

The undersigned neglected to file a Notice of Appeal and associated fee with the Appeal Brief, which would have been timely filed if it had been included as intended. The undersigned was not aware of this oversight until it was kindly brought to his attention by the responsible Examiner. A copy of the Appeal Brief is being included with the Notice of Appeal and Authorization of Payment of the Notice of Appeal Fee and Petition Fee.

Attorney Docket No. 13DV-14047/11716 (21635-0046)
Application No. 09/944,708



CONCLUSION

The Commissioner is hereby authorized to charge the indicated fees and any additional fees, and to credit any overpayments to Deposit Account No. 50-1059.

Respectfully submitted,

Carmen Santa Maria
Carmen Santa Maria
Reg. No. 33,453

Dated: June 11, 2004

McNees Wallace & Nurick
100 Pine Street
P.O. Box 1166
Harrisburg, Pa 17108-1166
Phone: 717-237-5226
Fax: 717-237-5300
Attorney for Applicant